DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed September 4, 2007 have been fully considered but they are not persuasive.

2. Applicant argues – "However, Tang fails to teach that the communication application has a window to display video images received from other computers … whereas the teleconferencing application recited in claim 7 has the limitation of a teleconferencing window."

a. Tang taught a user receiving video conferencing images from the other participants on column 5, lines 13-18, 23-30. Those video images are provided in icons that are presented with the gallery window 10.

3. Applicant argues – "By contrast, accessory application recited in claim 7 of the present application displays both the handled data and information descriptive of the handled data within <u>one window</u>, the accessory window."

b. Claim 7 recites "an accessory application having an accessory window, the accessory application to execute separately from the teleconferencing application (gallery window 10), to provide at least one accessory function to the teleconferencing application by handling data transmitted to or from the teleconferencing application, and to display information descriptive of the handled data in the accessory window."

c. Applicant errors because the recited claim does not require that the "accessory window" also display the handled data (see paragraph b above).

Therefore, having a different window in the system display the "handled data" is within the scope of the claim.

4. Applicant argues – "In this method, Tang fails to teach how to detect and convert an event into the video stream data; nor does it teach how to transmit or display video stream data (not just one video image frame) from one computer to the other computers."

d. First, Tang does teach that the video image data is more than one video image frame, see column 5, lines 23-28. As such, the video equipment that is used to capture a single image is also used to capture the full motion video image. Tang envisioned that the visual representations are also full motion video.

e. Second, Applicant's claim does not recite a particular "how" events are detected or "how" events are converted into video images. Therefore, it is not a requirement Tang provide a specific methodology to support the rejection. If Applicant's is arguing a specific methodology the present scope of Applicant's claim language does not incorporate that methodology.

f. Third, Applicant understands that Tang's invention detects the workers interacts and therefore provides a level of activity, i.e. detected event. The visual representations are created automatically according to column 5, lines 34-35. The level of activity changes in reaction to the user's actions according to column 6, lines 63-67. The visual representation is changed when a change in level of activity is detected according to column 7, lines 20-25. When the visual

representations are full motion video, the "detected event", i.e. the level of activity, is transformed into a corresponding full motion video that corresponds to the detected level of activity.

5. Applicant argues – "This video-conference display method disclosed by Tang displays the video stream data on 'each of the participants of the video conference' (column 8, lines 34-35), which lacks the limitation of 'displaying in a window on each of the plurality of computers other than the first computer …' as recited in claim 19, where the first computer is the computer from which the event is detected."

g. Applicant admitted that "… the gallery window taught by Tang just shows the visual representations of selected other members of the workgroup (see e.g., Tang, column 3, lines 38-41) …." Thus, each gallery window does not include a visual representation that includes the worker associated with that computer. On a computer where the level of activity is discovered, the level of activity is updated within the gallery windows on other computers where the worker's visual representation appears, see column 7, lines 22-25.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-6 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 5,857,189. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are not patently distinct.

Pending application	USPN 5,857,189
1. A method of providing access to a remotely stored file comprising:	1. A method of sharing files during a teleconference comprising the steps of:
displaying a file sharing window on a local computer a representation of a file stored on a remote computer;	creating a window on a display; posting a first representation of remote file in the window;
copying the file from the remote computer to the local computer to create a copied file when the user attempts to open the file from the file sharing window; and	copying the file to a desired storage location;
changing the representation of the file in the file sharing window into an alias of the copied file to allow the copied file to be directly opened from the local computer via the alias in the file sharing window.	changing the representation to a second representation when the remote file has been copied.

8. Applicant argues – "Specifically, for example, claim 1 of the present invention requires 'copying the file … when the user attempts to open the file from the file sharing window' and 'changing the representation … to allow the copied file to be directly opened from the local computer via the alias in the file sharing window.'"

h. In Applicant's comparison of the claims of the present application to US Patent No. 5,857,189, the examiner notes that Applicant ignores the equivalent features of the present claims. However, the comparison is not persuasive because the claims of US Patent No. 5,857,189 are broader than the claims of the present application. Thus, because Applicant already possesses a patent on the invention described in its broadest terms, any embodiments of the patented invention including the present application described with narrower terms are within the scope of the previously patented invention.

Claim 1 of US Patent No. 5,857,189 includes the limitation "copying the file to a desired storage location". The present application includes the limitation of copying occurring between "a remote computer" and "a local computer". A local computer is within the scope of "a desired storage location". The scope of Claim 1 of US Patent No. 5,857,189 includes copying for every occurrence. So the limitation of the present application "when the user attempts to open the file from the file sharing window" narrows the claim of the present application but is within the scope of the claims of US Patent No 5,857,189.

Claim 1 of US Patent No. 5,857,189 also includes the limitation "changing the representation to a second representation when the remote file has been copied". The claims of the present invention include "changing the representation" and the "second representation" is labeled "an alias". The broader claim limitation of US Patent No. 5,857,189 also encompasses any functionality associated with "the second representation". And the functionality "to

allow the copied file to be directly opened from the local computer via the alias in the file sharing window" is associated with the second representation.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 7-12 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tang et al., USPN 5,793,365 (hereafter referred to as Tang).

11. Regarding claims 7 and 10, Tang taught a computer system (abstract) comprising:

a teleconferencing application having a teleconferencing window to display video images received from a remote computer via a teleconferencing communications link (column 8, lines 29-35; column 13, lines 1-4); and

an accessory application having an accessory window, the accessory application to execute separately from the teleconferencing application (gallery window 10), to provide at least one accessory function to the teleconferencing application by handling data transmitted to or from the teleconferencing application, and to display information descriptive of the handled data in the accessory window.

12. Regarding dependent claims 8 and 11, Tang taught the accessory application is a file sharing accessory adapted to display in the accessory window a file selected by the user to be shared, and to transmit information regarding the file to the remote computer to allow a user of the remote computer to see the file in, and copy the file from, a remote accessory window of a remote accessory application executing on the remote computer (column 9, lines 42-55).

13. Regarding dependent claims 9 and 12, Tang taught the accessory application is configured to update the accessory window to include an indication of a status of remote user access to the file (column 9, lines 63-66).

14. Regarding claims 19 and 20, Tang taught a method for mirroring events between a plurality of computers in a teleconference communicatively coupled via a teleconferencing application executing on each of the plurality of computers, the method comprising:

detecting events in a first window on a first computer of the plurality of computers; converting the detected events into video streaming data (column 6, lines 63-67);

transmitting the video streaming data from the first computer to the teleconferencing applications on each of the plurality of computers other than the first computer (column 6, lines 20-26; column 7, lines 1-2) ; and

displaying in a window on each of the plurality of computers other than the first computer the video streaming data representing the detected events from the first computer to allow users of the plurality of computers other than the first computer to

observe in the window the detected events from the first window on the first computer (column 8, lines 29-51).

Allowable Subject Matter

15. Claims 13-18 are allowed.

16. The following is an examiner's statement of reasons for allowance: Claims 13-18 are allowable as argued by Applicant in the response filed on September 4, 2007.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2145

November 13, 2007